



MAIL STOP - PCT
Docket No.: 27622U

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: KAUTZ

Art Unit: XX

Appl. No.: 10/591,768

Examiner: XX

Appl. Filing Date: September 1, 2006

Confirm. No.: XX

Intl. Appl. No.: PCT/EP2005/051052

Intl. Appl. Filing Date: March 9, 2005

For: **NOVEL THIO-CONTAINING HYDROXY-6-PHENYLPHENANTHRIDINES AND
THEIR USE AS PDE4 INHIBITORS**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

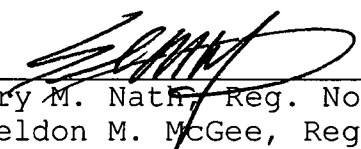
Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

1. Information Disclosure Statement;
2. PTO Form-1449 with 32 references cited; and
3. Copies of 26 of the 32 references cited.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

December 18, 2006


Gary M. Nath, Reg. No. 26,965
Sheldon M. McGee, Reg. No. 50,454
Customer No. 34375

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

a. ☒ [XXX] The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

b. ☐ [] The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

☐ [] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

☐ [] ii. a check in the amount required by 37 C.F.R. 1.17(p).

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.D./

- c. ☐ The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.
☐ Certification report(e) below; and
☐ a check in the amount as required by 1.17(p).
- d. ☐ The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.
- e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]
☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,
or
☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
or
☐ Appropriate certification is attached.
- f. [XXX] If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

g. [XX] Copies of the documents are attached herewith with a completed PTO Form-1449.

or

[] Copies of the documents are not attached, with a completed PTO Form-1449 as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and / or

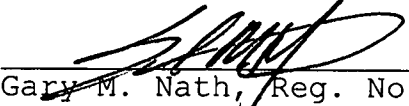
[XXX] Copies of US Patents/Publications not attached, with a completed PTO Form-1449 as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

December 18, 2006


Gary M. Nath, Reg. No. 26,965
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PTO FORM-1449

**INFORMATION DISCLOSURE
CITATION**

Inventor: KAUTZ

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10/591,768Intl. Appl. No:
PCT/EP2005/051052Art Unit:
XXAppl. Filing
Date:
September 1,
2006Intl. Appl. Filing
Date:
March 9, 2005Examiner:
XXConfirm. No:
XX**U.S. PATENT DOCUMENTS**

Exam. Initial	Document No.	Issue/Public. Date	Inventor	Filed Date
A1	6,121,279 (corresp. to WO99/05113)	9/19/2000	Gutterer	7/18/1998
A2	6,127,378 (corresp. to WO97/35854)	10/3/2000	Gutterer	3/24/1997
A3	6,191,138 (corresp. to WO97/28131)	2/20/2001	Gutterer	1/30/1997
A4	6,410,551 (corresp. to WO99/05111)	6/25/2002	Gutterer	7/18/1998
A5	6,306,869 (corresp. to WO99/57118)	10/23/2001	Flockerzi	4/27/1999
A6	6,476,025 (corresp. to WO00/42020)	11/5/2002	Gutterer	1/12/2000

FOREIGN PATENT DOCUMENTS

Exam. Initial	Document No.	Public. Date	Country	Translation
A7	0 490 823 A1	6/17/1992	EP	N/A
A8	2005/087745 A1	9/22/2005	WO	N/A
A9	2005/084104 A2	9/15/2005	WO	N/A
A10	2005/085203 A1	9/15/2005	WO	N/A
A11	2004/019944 A1	3/11/2004	WO	N/A
A12	2004/019945 A1	3/11/2004	WO	N/A
A13	2005/077906 A1	8/25/2005	WO	N/A
A14	2006/092422 A1	9/8/2006	WO	N/A
A15	00/42018 A1	7/20/2000	WO	N/A
A16	00/42020 A1	7/20/2000	WO	N/A
A17	02/05616 A1	1/24/2002	WO	N/A
A18	02/06238 A1	1/24/2002	WO	N/A
A19	97/35854 A1	10/2/1997	WO	Abstract (corresp. to US6127378)
A20	99/05111 A1	2/4/1999	WO	N/A
A21	99/05112 A1	2/4/1999	WO	N/A
A22	99/05113 A1	2/4/1999	WO	N/A
A23	99/57118 A1	11/11/1999	WO	Abstract (corresp. to US6306869)
A24	00/42019 A1	7/20/2000	WO	N/A
A25	02/06270 A1	1/24/2002	WO	N/A
A26	97/28131 A1	8/7/1997	WO	Abstract (corresp. to WO6191138)
A27	02/066476 A1	8/29/2002	WO	N/A
A28	2004/018431 A2	3/4/2004	WO	N/A
A29	00/42034 A1	7/20/2000	WO	N/A
A30	00/42017 A1	7/20/2000	WO	N/A
A31	2005/090311 A1	9/29/2005	WO	N/A
A32	2005/085225 A1	9/15/2005	WO	N/A

OTHER

Exam. Initial		
	A33	
Examiner	/Rita Desai/	Date Considered 08/21/2009
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP'609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.D./



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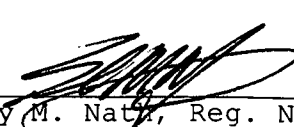
Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

1. Submission of Documents to Supplement Filing Documents under 35 USC 371;
2. Corrected Version of the PCT Publication WO 2005/087744 Cover Sheet;
3. PCT/IB/373 (International Preliminary Report on Patentability); and
4. PCT/ISA/237 (Written Opinion of the International Searching Authority).

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account Number 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

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**SUBMISSION OF DOCUMENTS TO SUPPLEMENT FILING DOCUMENTS
UNDER 35 USC 371**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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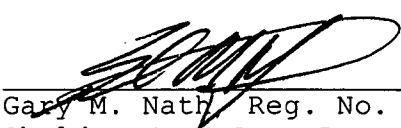
In order to supplement the filing documents for the national phase filing Under USC 371 commenced on September 1, 2006, applicant now submits the following documents:

1. Corrected Version of the PCT Publication WO 2005/087744 Cover Sheet;
2. PCT/IB/373 (International Preliminary Report on Patentability); and
3. PCT/ISA/237 (Written Opinion of the International Searching Authority).

Please charge any deficiency or credit any overpayment to our Deposit Account Number 14-0112.

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